

By: Farias

H.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

relating to industrial hemp; requiring an occupational license;
authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.001(1), Agriculture Code, is amended
to read as follows:

(1) "Agricultural seed" includes the seed of any
grass, forage, cereal, or fiber crop, any other kind of seed
commonly recognized in this state as agricultural or field seed,
and any mixture of those seeds. The term includes the seed of
industrial hemp, as that term is defined by Section 112.001.

SECTION 2. The heading to Subtitle E, Title 5, Agriculture
Code, is amended to read as follows:

SUBTITLE E. PRODUCTION, PROCESSING, AND SALE OF FIBER PRODUCTS

SECTION 3. Subtitle E, Title 5, Agriculture Code, is
amended by adding Chapter 112 to read as follows:

CHAPTER 112. PRODUCTION OF INDUSTRIAL HEMP

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.001. DEFINITIONS. In this chapter:

(1) "Industrial hemp" means a plant or any part of a
plant, whether growing or not, of the genus Cannabis with a delta-9
tetrahydrocannabinol concentration of not more than 0.3 percent on
a dry mass basis that is grown from certified seed.

(2) "License" means an industrial hemp producer's

1 license issued under this chapter.

2 SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT

3 Sec. 112.051. RULES. The department shall adopt rules to
4 regulate industrial hemp production in this state, including
5 license application procedures.

6 Sec. 112.052. FEES. (a) The department shall prescribe
7 inspection fees and fees for the issuance of a license in amounts
8 necessary to cover the costs of administering this chapter.

9 (b) Fees collected under this chapter may be appropriated
10 only to the department for the purpose of administering this
11 chapter.

12 Sec. 112.053. INSPECTIONS. The department may inspect the
13 premises of a license holder and plants grown or cultivated by a
14 license holder to determine whether plants grown or cultivated by
15 the license holder are industrial hemp.

16 SUBCHAPTER C. INDUSTRIAL HEMP PRODUCER'S LICENSE

17 Sec. 112.101. LICENSE REQUIRED. A person may not grow or
18 cultivate industrial hemp in this state unless the person holds a
19 license.

20 Sec. 112.102. ISSUANCE OF LICENSE. An applicant for a
21 license must apply to the department and pay the required fee.

22 Sec. 112.103. LICENSE TERM. A license is valid for one
23 year.

24 SUBCHAPTER D. ENFORCEMENT

25 Sec. 112.151. REVOCATION. The department shall revoke a
26 license if the department finds that the license holder is growing
27 or cultivating marihuana.

1 Sec. 112.152. GROWTH OR CULTIVATION WITHOUT LICENSE. The
2 exception provided by Section 481.002(26)(F), Health and Safety
3 Code, does not apply to a person who grows or cultivates industrial
4 hemp without holding a license.

5 SECTION 4. Section 481.002(26), Health and Safety Code, is
6 amended to read as follows:

7 (26) "Marihuana" means the plant *Cannabis sativa* L.,
8 whether growing or not, the seeds of that plant, and every compound,
9 manufacture, salt, derivative, mixture, or preparation of that
10 plant or its seeds. The term does not include:

11 (A) the resin extracted from a part of the plant
12 or a compound, manufacture, salt, derivative, mixture, or
13 preparation of the resin;

14 (B) the mature stalks of the plant or fiber
15 produced from the stalks;

16 (C) oil or cake made from the seeds of the plant;

17 (D) a compound, manufacture, salt, derivative,
18 mixture, or preparation of the mature stalks, fiber, oil, or cake;
19 [~~or~~]

20 (E) the sterilized seeds of the plant that are
21 incapable of beginning germination; or

22 (F) except as provided by Section 112.152,
23 Agriculture Code, industrial hemp, as that term is defined by
24 Section 112.001, Agriculture Code.

25 SECTION 5. Not later than January 1, 2016, the Department of
26 Agriculture shall adopt rules necessary to implement Chapter 112,
27 Agriculture Code, as added by this Act.

1 SECTION 6. This Act takes effect September 1, 2015.